App F IX 1

Previous Reference

19 52-53
(C M)

File No 1-52

Serial Nos. 42, 50

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos 2

P4(L)

Part B for Dec 52.

SUBJECT

Pension papers of Sri R M Abdul Haq Head Clerk, Town Duty office, Cuddapah, received with letter No B 12 dt 17/9/52

L 15991-93/Q 18-12-52

The Comm Corpn Bloue
(thro' the Mayor)

cc C S A D Bloue

cc Auditor Corpn Bloue

D Sriramulu

Ack/12

5947/12

Person question of SW R M Abdul Haq

From

The Commr, B'lore Corpn
No B 12 P R/52-53 Dt 29 10 52
Request to enforce the A G that the
Continuance of the appeal as an existing
Vacancy after his attaining the age
of superannuation was ar Wan the powers
and Competence of the Corporation

Under the Rules of M S R Extension of
Service requires Sanction of Govt The
Corporation cannot Say the Rules of M S R
do not apply to them as they and the
have no means to calculate the person
at all, and the process one of 2 or 3
regarding the corporation establishment
Sections of the Act Cannot provide for
all matters The power to appoint does not
include the power to give extension to
a superannuated person as the latter involves
a question of different principle altogether Where
there was no Specific person under the Act empowering the
Corporation to grant extension of Service to
the officials and the matter is in doubt and
the where further the grant of such extensions
in the Depts of Govt Should be with the
prior Sanction of Govt- the Commr Could have
Referred the matter to Govt at least on
grounds of Established Conventions instead of
Causing up the position as he has now done,
which is not acceptable to me Govt

2) If approved the Commr can be

0942/ak

Pers on question of Sri Rup Abdul Haq

Requested to send the Resolution of the Corpn and the S R of the office to further consider the question of sanctioning the extension of service to the office atleast one

3) Subt for orders

Rly 14/11/52
ogr 14/11/52

4) Does not this case come within the Purview of the two Provisos of section 9(f) of the Corpn Act P! examine

15/11

5) Proviso 1 referred to above relates to the powers of the Respective authorities to enforce the Regulations framed and proviso 2 subt a ceiling on the grant of leave salary allowance, gratuity and pension, the limit may be exercised by the under the Regulations to be framed by the exercise of the powers conferred by may see 90 on the corporation when the Service Regulations have not been framed, if - or doubtful whether these provisions could be invoked at all

6) Subt for orders - Ref para of above

Ogr 17/11/52
ogr 17/11/52

As the Corporation have got powers to appoint any qualified official for a post, the maximum pay of which does not exceed Rs 250/-, they thought they have power to reappoint a retired official or to continue a retired officer. The Service Rules have not been framed by the Corporation and the

pensionable emoluments of Sri R M Abdul Haq

5-947
TH

Corporation Act is being amended in the Respect, bringing into force, the Mysore Service Regulations 1st June, these actions of the Corporation cannot be questioned Therefore, the action of the Corporation in Continuing the Services of the afforesaid for one year from 12-7-1957 may be appd

19/11/52

FINANCIAL SECRETARY
GOVT OF MYS
20 NOV 1952
U O No 8284 ....Fl

Secy
(1-5)

may be approved

23/11/52

Issue for sig of Hon'ble Minister through Secy

23/11/52

Appd
23/11/52

C TO THE MINISTER FOR FINANCE AND PERSONAL SELF GOVERNMENT
25 NOV 52
No. 5247

3/12

Draft G.O. as put up for approval

12/12/52

Issue

12/12

5947
Pen

Pension question of R M Abdul Haq

To the Commr Corpn Bglore
(Chief Mayor)
The C & A O
The Accountant Corpn Bglore

L 15991-93/Pen 1-52-50 dated 18-12-52

B
Dy
26/12

GH 1-5242

CORPORATION OF THE CITY OF BANGALORE

5947 FTAR

No B12-PR/52-53
Enc Due

CORPORATION OFFICES,
BANGALORE

Dated 29th October *1952*

FROM

K HENJERAPPA, ESQ, B A B L
COMMISSIONER,
CORPORATION OF THE CITY OF BANGALORE,
BANGALORE

To

The Secretary to the Government of Mysore,
Local Self Government Department,
B A N G A L O R E

SIR, In enclosing herewith a copy of the Audit objections raised by the Accountant-General in connection with the disposal of the pension question of Sri R M Abdul Huq, asking among other things whether sanction of Govrnment is obtained for the grant of extension of service for a period of one year for the said official, I write to state as follows -

Sri R M Abdul Huq reached the age of superannuation on 12th July 1951 But as the date of birth noted in the Service Register was not authenticated, the date of superannuation was taken as 1st July 1951 as opined by the Auditor The Corporation gave an extension of service for one year from 12th July 1951 and he was retired from 1st July 1952 after granting him three months leave from 1st April 1952 The question of grant of extension was not referred to Government for sanction, as this was not a new appointment and under Section 89 (2) of the Corporation Act, the Corporation have got powers of appointment up to Rs 250/- There was already a post and the official was continued in the existing post during the period of extension as the power of such - appointment is within the competence of the Corporation

The Accountant-General may kindly be informed accordingly

FORWARDED WITH COMPLIMENTS

(B V LANKAPPA)
M A Y O R

VKR 29/10/-

Yours faithfully,

(K HENJERAPPA) 29/10
COMMISSIONER

Copy of letter No P A R 33022/R 3 dated 3-10-1952 from the Assistant Accounts Officer, Accountant General's Office, Bangalore, to the Commissioner, Corporation of Bangalore

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Sub Pension papers of Sri R M Abdul Huq, Head Clerk, Town Duty Office, Civil area, received with letter No B 12 Pr dated 17-9-1952

Returned

The applicant has been granted an extension of service of one year from 12-7-51 as per Corporation resolution No 22 dated 9-7-52 Whether the sanction of Government has been obtained thereto may kindly be stated - if not, the same may kindly be looked into and the needful done early, under intimation to this office - why the official was relieved before the expiry of the extension may kindly be intimated for information of audit

(b) It is seen from the leave statement that period of leave in excess of 4 months has been not separately shown in the abstract of leave on ½ average salary - which may kindly be verified and the needful entries made in the relevant records

(c) A copy of page 1 of the pension application and the history of services of the applicant may kindly be sent as per Govt order of 18-10-1951

'Copy"

For Commissioner

5 Copies

Proceedings of the Govt of Karnataka

Read

Letter no B 12 P R/52-53 dated 29 10 52 from the Commr, Corporation of the city of Bangalore seeking the services of Sri R H Abdul Khader, Head clerk, Town Devlpt office, Govt area who attained the age of superannuation on 1 7 52 was extended for a period of one year by the Corporation under Sec 89 (2) of the Corporation Act which has been objected to by the audit for want of sanction of Govt thereto and requesting therefore orders of Govt in the matter.

Order no L 1599-93/EM1-52-50 R 18/12/52

The services of the Corporation be extended the services of Sri R H Abdul Khader for a period of one year from 1 7 52 be approved

By Order & in the name of the Governor of Karnataka

Sd/- 12/12/52

Sec to Govt

R 18/12

To

1) The Commr Corpn of the city of Bangalore (thro Mayor)
2) The Controller, S A D
3) The Director, Corpn of the city of Bgle

R 18/12/52